Previous references.

File No. 87-95

190

Serial Nos. 1-13.

(Sep. Rec.)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-13

Major ~~Part~~ B. for jan 98.

SUBJECT.

Claims to Compensation of Sheshacalla modaliar

---

1. From Sheshachela modaliàr.
Petn No 3129 of 3.3.96.
Prays, that as he has incurred much loss by the removal of arrack shop from the mamul place in the village of Byrasandra to the proximity of his shop at Devajeeramahalli by another Contractor of yeshwantpur circle, that the shop may be caused to be removed and to remit the amount of his loss of Rs 450.

2 To The Excise Commissioner. No Pet 1653 of 9.3.96.
Forwards the above for favor of an early reply & report and submission of papers relating to the matter in his office and in the Dy Comm's Office.

G. R. S. 58

From the Petitioner. Petn No 3290 dt 21.3.96.
Reminds of his previous petition in PC1.

To the Excise Comm. No Dis No 1809 dt 4.4.96.
Forwards the above for favour of report.

From the Excise Comm. Dy No 9223/Ex576. No 5003/570 dt 1.6.96.
Reports on the Complaint of the petitioner and submits the records relating to the same. (Complaint).

To the Excise Comm. No 3502/Ex130 dt 28.9.96
Requests to submit definite proposals or recommendation as to the consideration to which the applicant is entitled and to report on the loss or gain of each shop by change of shop.

From the petitioner. Petn No 1494 dt 11.11.96.
Reminds of his previous petition.

To the Excise Comm. No 4479/Ex172 dt 18.11.96.
Forwards petition No 1494, so he may give an early reply as the case is long pending.

From the Excise Comm in report.
Dy No 3469/Ex209 dt 21.11.91. & No 2687/206.
States, on receipt of information called for from the Dy Comm, Bangalore, the matter will be reported.

To the Excise Commissioner
No 5034/Ex191 dt 3-12-96.
Records with the remark that the report promised will be awaited.

From the Excise Comm. D. No 6293/Ex345, No 4860/340.
Dated 22-3-97.
States that the report will be submitted after the receipt of information from the Dy Comm Bangalore.

SECTION Sep Rec

FILE NO. 87-95

SERIAL NO.

Notes

Submitted to 3rd Councillor.

The year 1895 & 96 closed 3 months ago. There was considerable delay both in the Ex-Commissioner's Office and in ours. The only question is whether the petitioner is entitled to any, & what Consideration. The Ex-Comm has submitted no ~~definite proposals or recommendation~~ he may now be asked to do so.

Copy.

Original in Ex. Coll.

P. T. O

(Continued from the 1½ page of the memo)

Before we could recommendation We may now be asked to do so -

24.9-96

Ex. In Excise Comm. ask. Work at once approximately what the one shop cost, and the other gained, the change in the location of N. Bell's and the shop, and the amount each shop was purchased for.

25/9-96

Do so

25-9-96

Draft orders.

26/9

3 Forders

Memorandum

Subject:- Seshachellum Modliar's appeal that he has suffered loss on account of the Bhavasandra Shop having been transferred nearer to his Davergeevanahalli Shop than it was at the Sale time.

Reference:- Excise Com No 5003/570 D/6/6/96

In the Sales for 95-96 held on 1st & 2nd Jan 95, Seshachellum Modliar took up the contract of the Halsur Taluka and Kandaswamy Modliar that of Geswantpur Circle. His complaint is that the Bhavasandra Shop in the Geswantpur Taluka belonging to the latter was subsequently brought to a place half a furlong distant from the Davergeevanahalli shop of the Halsur Taluka taken up by Seshachellum Modliar i.e. much nearer than it was at the sale time. There was also another

Subject

The chief facts against the Petr are

1) He cannot technically object to the Vend Farmer of the Geswantpur Circle locating the Kaval Byrasandra shop anywhere within the limits of the village. (2) The distance between the original locality of the shop and the one as changed was within ½ a furlong. (3) Partly the Petrs loss was due to his own Vendors inefficiency.

The facts for the Petr are

1) When he purchased his farm in Mayor he was under the reasonable impression that the shops of his neighbours would be held at the same places as before. (2) The fact of the two shops being inconveniently near tended badly to reduce Petr's sales.

On the whole, there is not much reason for interference.

15/7

Ruled Rs 3 4/-

The year 1895-96 closed 3 months ago. There was considerable delay before the Ry-Vovan office memos. The only question is whether Petr is entitled to any, & what, compensation. The whole

the consumption was equally
shared between the two shops -
One peculiarity in this is that
the two villages of Bhairasandra
and Davergeevanahalli are so
contiguous to each other that
they may be considered as
one village, the streets of one
blending into those of the other.
and so though according to the
letter of the rule, the respondent
has every right to have his shop
removed to any place within
the boundary of ~~the~~ his Pitha
the change in question seems
too important to be disregarded,
and must have considerably
affected the sales in the Daver-
-geevanahalli shop

3. Sheshachelliah [illegible] law the
and complained that it was
only on the tacit understanding
that the shop of Bhairasandra
would continue to be located
at ~~the said trade~~ the place where
it existed at the sale time
that he took up the contract &

paper marked "C"

paper marked "C"

The Asst: Superviser quietly forwarded the license changing the locality of the shop as desired by the contractors agent for the approval of the Excise Asst Commr without even says a word as to the circumstances of the case the Excise Asst Commr formally approved of the alterations in the license and the order was communicated to the Contractors agent on the 19th June 1896 i.e. eleven days before the close of the contract ~~the day~~ the shop was immediately removed accordingly this procedure created a right for the location of the Bhavisandra shop in the new place during the year 95/96 and of course affected the sales in the Davesjeevanhalli shop. The consumers from the farmeries scattered close by were chiefly drawn by the Davesjeevanahalli shop before the removal of the Kaval Bhavasandra shop to the present locality. But after the remov

4

complaint by Seshachellum Modliar, in some of his petitions that the Kotis of the Yeswantpur circle was located in Daver-jeevanahalli which is included in the Halsur circle taken up by the appellant. As this fact does not seem to have affected the sales in the Daverjeevanahalli shop, the point has been left out both by the appellant (in his appeal petition) and the Excise Commr

2 The case stands thus. One Narasimhia, agent of the contractor of both the circles (Viz Halsur Yeswantpur Circles) for 94-95 petitioned on 31st May 95, i.e. a month after the sale of the shops for the year 95-96, to get the Bhairasandra shop removed from the original locality to a place half a furlong distant from the Daverjeevanahalli shop, on the pretext that the building in which it was then situated was re-quired by the owner thereof

(paper marked "C")

raised the bid amount by 7 5c
200/ in excess of that of last
year He alleged that the removal
of the Bhavasandra shop to its
present locality greatly dimi-
nished the sales in his shop.
Mr Chandy on making a
local enquiry on the spot
ordered the removal of the
Bhavasandra shop to its
former place On the appeal
of the shop keeper the Excise
Commr ordered that the shop
should continue in the new
locality on the score that the
same locality had been entered
in the license form given
to the Contractor The Deputy
Commr then represented
the circumstances and moved
the Excise Commr to reverse
his order so as to make the
shop keeper to remove the
shop to the place where it
was at the sale time The
man again appealed to
the Excise Commr, who again

paper marked "F"

paper marked "F"

× paper marked "G"

+ paper marked B reply
to G

6. & X
passed orders in favour of
the Bhavasandra shop keeper
Says that his shop should be
kept in the place where it was
at the time when the license
was issued. The present appeal
is against the last order
4 Sales were held on 1st &
2nd May/95. Seshachellum
might have entertained a
reasonable belief that the two
shops would be as distant as
they were at the sale time. He is
partly right in attributing
the decrease of sales in his shop
to the removal of the Bhavasandra
shop subsequently ordered
No doubt he sufferred some
on account of his bad
management. But a comparison
of the consumptions given in
the statement sent up by the
Excise Commr shows that the
closer proximity of the two shops
did also contribute its own
quota.
5. There appears to be some
motive underlying in the com-

adopted by the agent of the previous contractor. For, if Narasimha wanted to change the locality on bona fide grounds and had only calculated the time that would have taken for getting a reply to his petition he would not have applied for the transfer on 31st May when there was only one month before him for the close of his contract, & especially when it was known that the future contract had already been taken up by somebody else ~~a~~ before. The plea of the agent that the building in which he kept the Bhavasandra shop was required by the owner thereof, does not hold good & applying for a transfer order almost at the eleventh hour. Again, no man would be so unwise as to undergo the trouble of removing his shop with bag & baggage from one place to another for only a short period of eleven days. The whole affair seems to be as tho it is done to create

D

create a right in ~~anticipation~~ favour
of ~~perhaps benefitting~~ the future
contractor who it appears from
the records was once his ~~slave~~ (nerasammakio)
master. The present Contractor
of Bhairasandra protested
against removing his shop
even to any other place in his farka,
even maintaining a ~~return~~
~~only keep~~ the distance between
his former shop and Seshachellum's
provided he were unable to get
the building in which the shop
had been kept the previous year.

Vide papers marked "D" and "E"

6. The Excise Comm^r
says "---- having regard
to the circumstances of the case
namely: (1) his (Seshachelam's) reasonable
belief at the time of sale that the
shop would remain in a
particular place (2) the circum-
venting manoeuvre of the
Karal Bhairasandra farmer
in effecting the transfer of
locality by the departing
farmer of 1894-95 in the
last ~~month~~ week of his farm

Last sentence para 7 of his letter.

3) the culpable omission of the
Supervisor in not placing full

facts before the Excise Asst.
Commr who licensed the transfer
and evident fall in the sales,
some consideration is
deserved by the appellant"
[Note:- The Excise Commr
says in para 5 that he inspected
the shop himself when he
was the Deputy Commr]

7 The question therefore
is how much of consideration
the appellant deserves as
thus the Excise Commr may
be requested to answer.

Submitted for orders.
14/9/96 DJ

X Note. In his appeal petition
of 3rd March 96, the Petitioner
said that the loss sustained
by him upto that date was
Rs 450/

P.J.O.

In accordance with the order of 3rd
-cillor and secretary (of 25th Septr
1896), the Excise Commr was ad
in this office no 3502 of 28th Septr
Ex:130
1896, to submit definite proposals
improving the Consideration to be

Seshachellum Moodear was entitled

Asstt General reminders he now

replies that the fall of consumption

in the appellants' shop is also

partly due to bad trading; that

he is, if at all, entitled to a consideration

of only Rs 72-0-0, calculated (as per

Statement B accompanying the letter

under advertence) at the rate of

Rs 14-3-0 per 100 on 506 gallons

i.e. the quantity by which the

consumption is alleged to have fallen

and that this being small

it may be fair, & that Seshachellum

Moodiar has not made out a strong

case in his favour, especially

as he has suffered no loss taking

the whole farm into Consideration

Subject to Secy's orders as to whether

- end: may be given to Secy rejecting

a claim on the ground that Govt:

is not satisfied that he has sustained

any loss.

3/7/98.

& Should he desire to

make out a good

case -

Sd/ [illegible]

4-1-98

5/1/98

Yes - as suggested. to

inform giving the date of

Govt's report

5-1-98

6/1/98

Rev. Secy.

SECTION SR
FILE 87-95
SER. AL. NO. 1

1396

No. 8129

Name of Petitioner, Sethachelam Moodly
Arrack Contractor of
Village, Eluru
Taluk,
District, Vizagapatam

Date of Arzi, 3-3-96

Date of Receipt, 6-3-96

Date of Disposal,

No. of Enclosure, 1.

ABSTRACT.

States that he has incurred much loss by the removal of the arrack shop from the original place in the village of Vizianagaram to the present, that the new premises hall by contractor Sundaram Moodly arrack contractor of Vizianagaram and prays that proper may be issued

To the immediate removal of the new shop to its former place

To remit the amount of his loss viz. Rs. 4801-

SECTION S.R.

FILE No. 87-95

SERIAL No. 2

Rel 3 fm 5 draft 20-8-96 11-3-96

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT. (2)

OFFICIAL MEMORANDUM

The accompanying Petition

Registered No. 3129 dated 3-3-96

received at the Dewan's Office from

one Shah alias Moodaliar of Attacha Coolitalor of Nelsoor Circle Bangalore City praying for the issue of the lease and allowed him within 2 months of the opening of a new shop by ~~purchase or otherwise~~ in Yeshwanthapoor circle further shop at 2 angeevanachala ear to own and prayed that the new shop may be removed ~~or its removal~~ to its former place is forwarded, together with its ~~and form~~ Excise enclosures to the ~~Deputy~~ Commissioner ~~of the Mysore District~~ for disposal. for favor of early report and submission of ~~with the connected~~ Utachy & the relative papers in his office and such ~~as those in the District office~~ Bylaw ~~the petn with its enclosures should be returned~~ By order,

draft 9/3

BANGALORE, 9-3-1896 } for ~~Chief~~ Secretary.

11

19-3-96

M.G.C.P.B.—25-4-95—500

(3) 1896 (3)

No. 3290

Name of Petitioner, Seshachella Mudaliar

Village, Arrack Contractor

Taluk, Vellore Circle

District, Chittoor Road Cuddapah

Date of Arzi, 21-3-96

Date of Receipt, 26-3-96

Date of Disposal

No. of Enclosure,

ABSTRACT.

With reference Head Assistant No. 3125 of 10-3-96 forwards that Early orders may be issued for the immediate removal of Petitioners Arrack Shop, in the interior of the village - where it stood before - and for compensating him for the loss sustained by him in consequence thereof -

26/3

To the Dy. Excise Superintendent
Col. A.R.
23-3-96

Excise
Col. C.S.
24-3-96

Excise Commissioner reports not yet received when was the petn preferred?

Petitioner's No. 20 Petn Register No. 113 of 96

Received 1/4

Refer petitioner to Excise Commissioner

1/4

A report was called for on 11/3/96.

S.O.d.
AS.
2/4/96

This has to be sent to Anantasayanam Rao

1/4/96

Send the Petn in original to Excise Commissioner

1/4/96

Drafted
4/4

SECTION SR

FILE No. 87-95

SERIAL No. 3

No. Pet 1809 Enc. 20-8-96

8-4-96

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 3290

dated 21-3-96 received at the

Dewan's Office from Seshachela Moodlia. Arrack contractor, Tulsur circle residing in Bangalore, praying for issue of orders to remove Byrasandra Arrack shop into the interior of the village, and for compensation for the loss sustained by him on account of the Excise Commissioner's refusal to license a shop near to his shop,

~~is forwarded, together with its enclosures, to the~~ is forwarded to the Excise Commr in Mysore, in continuation of this Office No Pet 1653 29-3-96.

Draft— By Order,

BANGALORE, 4 April 1896. 8

4/4

for ~~Chief~~ Secretary.

Months	Devarjeevanahalli			Kaval Byrasandra		
	Consumption during 1893-94 When Venkatasawmy pille was Vendor	Consumption during 1894-95 When Balakrishna was Vendor	Consumption during 1895-96 When Venkatasawmy pille is Vendor	Consumption during 1893-94 When Thayamma was Vendor	Consumption during 1894-95 When Thayamma was Vendor	Consumption during 1895-96 when Balakrishna is Vendor
July	67	126	110	23	32	108
August	57	102	85	19	32	120
September	48	94	91	21	27	102
October	60	110	91	24	36	94
November	60	100	69	32	30	87
December	52	102	66	35	26	77
January	59	108	64	34	34	72
February	50	104	58	27	30	69
March	62	120	62	32	30	78
April	54	134		32	30	
May	74	150		48	46	
June	84	138		45	71	
Total	727	1388		372	424	

Excise Commissioner's Office
Bangalore dated 17th April 1896

J. Bumaagh
Excise Commissioner
in Mysore

SECTION 3 & R
Excise.
FILE No. 87-95
SERIAL No. 4
From

REVENUE DEPARTMENT
1896 No. 9223
EXN 5576
JUN. 96
DEWAN'S OFFICE

Filed with office note
8/6
14/7/96

The Excise Commissioner
in Mysore.

To

The Secy. to the Govt. of Mysore,

~~Dept.~~

Dated 6th June 1896.
Despatched 8th do
Received
General No. 5003
No. 570
Enclosure No. 2 & 1 file

In reply to Official Memos No. 1653, dated 29th March 1896, and 1809, dated 4th SUBJECT instant.

Reports on the complaint of Seshachella Moodliar Arrack Vend Farmer, Halsur Circle, Bangalore Taluk, and submits the entire records relating to the same

References (to be entered only in the Dewan's Office.)

Peter
16.6.96

Excise Commissioner's Office (7)
Bangalore 6th June 1896.
8th

No. 5003
570

From,
Exc: 2+1 file

The Excise Commissioner
in Mysore.

To,

The Secretary to the
Government of Mysore

Sir,

With reference to your official Memos Nos 1653, dated the 29th March 1896, and 1809, dated the 4th instant, I have the honor to submit, herewith, the entire records relating to the complaint of Seshachella Moodliar, Arrack Vend Farmer, Halsur Circle, Bangalore taluk, for the year 1895-'96.

2. On the complaint of the above individual to this office that the Arrack Vend Farmer of Yeshwantpur circle had opened his shop at Kaval Byrasandra

Byrasandra close to his own shop at Devanjeevanhalli materially affecting the sales of Arrack at the latter, orders were sent to the Deputy Commissioner, Bangalore District, to the effect that in view to avoid all disputes, the Arrack shop at Kaval Byrasandra should be located at the particular spot where it stood on the date of the auction sales for 1895-96. Thereupon, the Arrack Vend Farmer complained to this Office that while he had opened his shop at Kaval Byrasandra at the very spot where it existed on the 30th June 1895, when the Farm was made over to him, the District authorities wanted him to remove it to a building which he could not get. He also produced the License of the shop in support of his Statement. On this the

Official

Official Memo: No $\frac{2011}{103}$, dated the 28th October 1895, was issued to the Deputy Commissioner, Bangalore, stating that it is clear from the License of the shop that the shop existed in the building therein referred to, when the Farm was made over to Kundasamy Moodliar on 1st July 1895; and that if Kunda-samy Moodliar had opened his shop for 1895-96 in the same building, it should not be disturbed.

3. I beg to state that only "Separate Arrack shops" are restricted to certain defined sites, and are advertized accordingly for public auction, but the shops under the Vend Farmers of defined circles are advertized only in regard to the villages where they are to be opened, but without restriction to any particular sites in the villages, because the Vend Farmers

Farmers cannot always secure the same buildings every year, as the owners thereof otherwise dispose of them, or use them as dwelling houses.

4. I may here add that even Pestachella Moodliar the Arrack Vend Farmer of the Halsur circle for 1895-'96, could not open his shop at Devarjeevanhalle in the particular building in which it existed during the year 1894-'95, - because the owner of it had utilized it for some other purpose. Therefore he opened it in a different building for 1895-'96. The Deputy Commissioner fined him Rs. 5 for not having opened it in the same building as in 1894-'95. He appealed to this Office against the Deputy Commissioner's order fining him Rs 5. Thereupon, my

my predecessor cancelled the
fine on the following grounds:—

"Condition 11 of License A granted
"to Appellant on 30th June 1895,
"provides that Arrack shall
"not be sold except in shops
"duly sanctioned and licensed
"by the Deputy Commissioner.
"License "C" granted for the
"shop at Doneryeevanhalli
"in question for the year 1895-96,
"is dated 7th October 1895 while
"the Deputy Commissioner's order
"fining the appellant under
"condition 36 of License "A" is
"dated 9th September 1895. There-
"fore when the fine was
"inflicted, no License had
"been granted to the appellant
"for the said shop specifying
"that it should be opened in
"the last year's building" x x x

The above remarks apply equally
to the shop at Kaval Byrasandra.

5. When I was the Deputy
Commissioner

Commissioner, Bangalore District, I inspected the shops both at Kaval Byrasandra and Devanjeevanhalli, and was satisfied that Seshachella Moodliar's complaint was not unreasonable, although the shop at Kaval Byrasandra is situated within the limits of Kaval Byrasandra village, and within about half a furlong from the building in which it was located in 1894-'95.

6. The increase or decrease of consumption seems also to depend upon the good or bad management of the business in shops. Venkatasamy is the Vendor of the shop at Devanjeevanhalli for 1895-'96, and Balakrishna Naidu was the Vendor thereof in 1894-'96. The Farmer is said to be a bad

Vendor

Vendor, and the latter a good Vendor. The latter's services have been secured for Kaval Byrasandra shop for 1895-96 by the Farmers of the Yeshwanth-pur circle. This seems to be the cause of the increase of consumption at the Kaival Byrasandra shop. A Statement showing the consumption in the shops at Davenjeevanhalli and Kaval Byrasandra during the vendorship of the above two individuals for several years past, is herewith submitted for information.

7. The chief point in favar of Kaival farmer is that the sale for the year 1895-96 was held on 1st and 2nd May. He purchased the farm on these dates. On those dates and therefore at the time of sale he believed that his neighbouring farmer's shop at Kaval Byrasandra

Byrasandra would remain and continue in a particular locality. It is on this belief that he bid and obtained the farm. Thirty days after this sale, the Kaval Byrasandra farmer applied for change of locality. This was approved by the Deputy Commissioner, Bangalore, in the Excise Department, so late as on the 6th June and was only communicated to Kaval Byrasandra farmer on 19th i.e. eleven days before close of the farm for the year 1894-95. Halsur farmer only came to know of this transfer of locality about the end of June, and he has continued to complain ever since. The change of locality tended to keeping the two shops too inconveniently near one another, and the consumers naturally went

went to the nearest shop lying on their way; though it should also be admitted that the way in which business is managed has a great deal in the way of attracting or repelling consumers. Another circumstance is that before the 1st May both the Halsur and Kaval Byrasandra Farms were owned by one and the same man, namely Govindappa. In May at the time of sale the two farms were not obtained by one and the same man, but went into two. Thus, although the change of locality did not affect the income of the common proprietor of the two farms, because what was lost in one shop, was gained in another, yet, the case became different subsequent to May 1896. The Deputy Commissioner reports that

that the transfer was sanctioned on misrepresentation of the local Supervisor. It is apparent therefore that Govindappa's agent Narsimhaiya as soon as he sided with the new Farmer, changed the locality which under proper investigation would probably not have been sanctioned by the Deputy Commissioner. Of course the rule permits any place being licensed so long as it is within the limits of the village. But in this instance the two villages are contiguous - streets blending one into the other and houses touching one another almost. In applying the rule in cases like this, the executive authorities could have used discretion in not placing two different shops quite contiguous to one another

another. Such a step must to some extent have tended to the fall in the sale although it may not be this sole cause as already observed. Sales may be affected by bad management. I am of opinion that though strictly and technically the appellant cannot claim any consideration because according to the letter of the rule, change of locality was possible and should have been taken to account by the appellant when he purchased the farm, yet, having regard to the circumstances of the case namely:- his reasonable belief at time of sale that the shop would remain in a particular place, the circumventing manoeuvre of the Kaval Byra-vandra Farmer in effecting the transfer of locality by the departing

departing farmer of 1894-95
in the last week of his farm,
the culpable omission of the
Supervisor in not placing full
facts before the Excise Assistant
Commissioner who licensed the
transfer and evident fall
in the sales, some consideration
is deserved by the appellant.

8. The enclosures are herewith
returned.

I have the honor to be,

Sir,

Your most obedient servant

[signature]

Excise Commissioner

SK in Mysore.

SECTION S. R

FILE No. 87-95

SERIAL No. 5

Dft as per ord.

6 19

To

The Excise Commr
in Mysore

No 3502 / Ex. 130
Dated 28th Sepr 1896

30 letter
His no. 5003/570 of the 6th
June 1896, submitting ~~extract~~
records relating to the complaint
of Seshachella Moodr. Arrack
vend. Farmer, Halsur circle
Bangalore Taluq, for the year 1895-
and recommending that some consi
deration is deserved by the
complainant

With reference to the
above has the honor to ~~return~~
~~the file and to~~ request ~~that~~
the Excise Commr ~~will be~~
~~pleased~~ to submit at an
early date definite proposals
or recommendation
as to the ~~compensation~~ consideration to which
the applicant is entitled, and
report at the same time, the

To frontal.
amounts for which each shop
was purchased and what the
shop gained and the other
lost [redacted] owing to change
in the location
of ~~locality~~ of the Naval-Base-
Sandra shop.

"B"

for Secretary

20/9/36

20/9/36

To The Secretary
Rev & Rn

What has become of the case which is now pending?

(Sd) A.R. 14/11/96

Excise Clerk.

How does the matter now stand?

(Sd) P.S 16/11/96

Submitted

A reference has been made from this office on 28-9-96 asking the Excise Commr to submit definite proposals as to the consideration to be shown to the applicant

A reminder is also submitted for approval.

Sd. 16/11/96 BB 17/11

7 1896

No.	1494
Name of Petitioner	Seshachella modly
Village	wreck contractor Gollapally
Taluk	Kolar Road
District	Bangalore
Date of Arzi	11th November 1896
Date of Receipt	16th November 1896
Date of Disposal	
No. of Enclosure	nil.

ABSTRACT.

Reminder to his previous petition dated 3d march and a reminder thereof dated 21st march 96 regarding the loss sustained by petitioner by transferring our wreck shop from the heart of Byrasundra to Devargeevanahilly and located near Petrs shop. Petr has incurred a loss of Rs 60 Rupees and submits a statement of his loss Sn 9/3 and 9/5/96

SECTION SR

FILE No. 87-95

SUB No. 6

22

Draft for approval

To

The Excise Commr

in Mysore

dt 18.11.96.

Disp.

No: 4479 En: 1.
Ex. 172.

This Office No: 3502
Ex 130
dt 28th September 1896,
~~requesting to submit at an~~
~~early date~~ calling for definite proposal
or recommendation as to
the Consideration to which
Seshathellum Mudliar, Arrack
Vend Farmer of the Halsur Circle
Bangalore Taluk, for the year
95-96, is entitled, ~~to~~ on ac
count of the change in the
location of the Kaval
Bhairadanda Shop

In continuation of the

23

above, has the honour to forward herewith a petition Regd No: 1496 9/11/November/'96 received from the same individual with a request that the Excise Commr will be so good as to submit his reply at a very early date, ~~seeing~~ as the case ~~has~~ is ~~been~~ has been pending ~~long for~~ a long time.

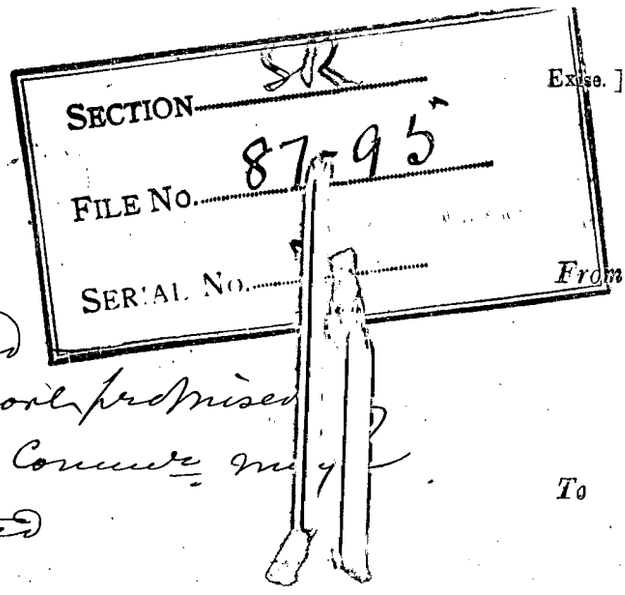
By Order

18/11

for Secretary.

16/11/96.

17/11/96



24

(9) 19

REVENUE DEPARTMENT
Gl. No. 3469
Ex. 209
24 NOV. 96
DEWAN'S OFFICE.

The Excise Commissioner in Mysore

To

The Secy. to the Govt. of Mysore,
General & Revenue Depts

Submitted
The report promised
the Excise Commr may
be awaited
BB
2/12/96

Dated 21st November 1896

Despatched

Received

General No. 2687
No. 206

Enclosure No.

In reply to Secretary's Docket: No.
4479 Dated the 18th instant
Ex. 172 SUBJECT

Makes that on receipt of additional information called for from the Deputy Commissioner, Bangalore, the matter connected with the complaint of Seshashalem Mudaliar about Kanal Byra-Sundra arrack shop, will be finally reported upon.

References (to be entered only in the Dewan's Office.)

Rev
24.11.96

Refee
26/11
30/11/96.

Excise Commissioner's Office
Bangalore 21st November 1896.

No. 2687/206

25

From The Excise Commissioner
in Mysore

To The Secretary to the
Government of Mysore
Revenue and General Departments

Sir,

In reply to your docket—
No. 4479/Ex. 172, dated the 18th/19 instant,
I have the honor to state that the
Deputy Commissioner, Bangalore
District lately reported that the
decrease in Arrack consumption
was attributable not to the change
in the location of the Kaval Byra-
-sundra shop, but to the change
of Vendors, and that therefore the
Petitioner Sheshachella Moodliar
was entitled to no compensation. In
reply the Deputy Commissioner has
been requested to obtain from the
Petitioner a statement of the—
grounds on which he claims—
compensation, and to submit it
to this Office with the Deputy Commissioner's
opinion

opinion recorded therein, showing why no compensation is payable to him. On receipt of such State-ment from the Deputy Commissioner, the matter will be finally reported upon

I have the honor to be,
Sir,
Your most obedient Servant
M. Ramiah

Excise Commissioner
in Mysore.

SECTION S.R.
FILE NO. 87-95
SERIAL NO. 8

(10) 27

Read Letter No. 2687 dt. 21st Nov 96 from the Executive Commissioning to submit a final report on receipt of information from the Deputy Commissioner Bangalore in regard to Venkatachalam Pillai's claim for compensation

No. 5-034
Ex. 191
93.12.96
4

Order.

Received with the remark that the report from Bangalore will be awaited.

3/XII/96
for S.G.

To,

The Executive Commissioner
in Mysore

SECTION SR

FILE No. 87-95

SERIAL No. 9

REVENUE DEPARTMENT
Gl. No. 6299
24 MAR. 1897
DEWAN'S OFFICE

From The Excise Commissioner in Mysore

To

The Secretary to Govt. of Mysore.

General & Revenue Depts.

Dated 22nd March 1897

Despatched 23rd March 1897

Received

General No 4860

No. 340

Enclosure No.

Reminder

In reply to Secretary's docketed No 8865 Ex 308 dated the 16/20th instant.

SUBJECT.

States that the report regarding Shivashela Moodliar, Avrach Vend Farmer Halsur Circle, for 1895-96, will be submitted on receipt of the requisite Statement from the Deputy Commissioner Bangalore District, to whom another reminder has been sent.

References (to be entered only in the Dewan's Office.)

Submitted. AW 23/3/97

The report promised may be awaited

AB 2/4/97

Await further report

8/4/97

No. 4860
340

Excise Commissioner's Office
Bangalore dated 22nd March 1897.

From,

The Excise Commissioner
in Mysore.

To,

The Secretary to the
Government of Mysore
General and Revenue Departments

Sir,

In reply to your docket No. 8065/Ex 308, dated the 16/20th instant, I have the honor to state that the Deputy Commissioner Bangalore District, was requested to obtain and furnish a Statement showing the grounds on which Shesha-chela Moodliar Avack Vend Farmer of the Halsur Circle for 1895-96, claims Compensation, together with the Deputy Commissioner's views thereon; but the Deputy Commissioner reported that Sheshachela Moodliar's present where-abouts were not known. In reply the Deputy Commissioner has been informed that.

that Seshachela Moodliar is said to be in the Kolar Gold Fields. On receipt of the requisite Statement from the Deputy Commissioner the report called for by Government will be submitted.

I have the honor to be,

Sir,

Your most obedient servant,

M Krishna

Excise Commissioner

in Mysore.

Gen. 30]

3

REVENUE D... Gl. No. 2878 1897 7th OCT. Ex 170 DEWAN'S OFFICE.

Submitted for orders.

Petitioner evidently alludes to the Enclosure of his petition dated 3rd March/96 returned with the Excise Commr's letter No 5003/570 of 6th June 1896.

All the Enclosures of this letter may be returned to the Excise Commr for reference & resubmission.

JFB
30/10/97

SECTION 812
FILE NO. 87-95
SERIAL NO. 18

From

The Excise Commissioner in Mysore

13

To

The Secretary to the Govt. of Mysore,

General and Revenue Depts

Dated 18th October 1897
Despatched 25th Do
Received
General No. 3311
No.
Enclosure No. 153 / 1

In continuation of this Office No. 4860/340 dated 22nd March 1897.

SUBJECT

Submits a petition from Seshachella Moodliar Aveack Vend Farmer of Halsur for 1895-96, with a request that the original accounts books &c therein referred to may be sent to this Office for reference, together with the accompanying petition.

References (to be entered only in the Dewan's Office).

Excise
JFB
30/10/97

Ans 26/10

32

No. 3311. Enc:/ Excise Commissioner's Office
153 Bangalore dated 18th October 1897.
25th

From,

The Excise Commissioner
in Mysore

To,

The Secretary to the
Government of Mysore
General and Revenue Departments

Sir,

In continuation of my letter No. 4860/340, dated 22nd March 1897, I have the honor to submit herewith the petition dated 2nd instant from Seshachella Moodliar, Arrack Vend Farmer of Halsur for 1895-96, and to request that the original account books &c therein mentioned, may be sent to this Office for reference, together with the accompanying petition.

I have the honor to be,
Sir,
Your most obedient servant,

Excise Commissioner
in Mysore

SECTION 8 R

FILE NO. 83-95

SER AL NO. 11

(14) 33

The Crese Commr
in Mysore

No 4046 / Con. 439 dd 24.11.97
Dated November 1897 4 Sec. 371 file

His letter no 3311/153 of the 18th ultimo requesting transmission of certain original account books referred to in a petition presented by Seshachela Moodr Arrack Vend Farmer of Halsur for 1895-96 on 2d ultimo

With reference to the above has the honr to forward for reference the petitioners and records received with his letter no 5003/570 dd 6/6/96, and to state that no accounts or other than those found in the accompanying file were produced by the petitioner.

Petition dated 2nd octobr 1897, received with the above letter is herewith returned as requested.

"R O"

24/11/97

for Secretary

SECTION SR

FILE NO. 87-95

SERIAL NO. 12

[Gen. 30]

34

REVENUE DEPT. Gl. No. 3945 Sec. 201 - 1 DEC. 97 DEWAN'S OFFICE

From

The Excise Commissioner in Mysore

To

The Secretary to the Govt. of Mysore,

General and Revenue Dept.

Dated 18th November 1897.

Despatched 29 — 11 — 1897

Received

General No. 4548

No. 187

Enclosure No. 2 & a file.

In reply to Secretary's docket No. 4046, Ex. 139 dated 4th instant.

SUBJECT.

Returns the records received with the above, and states that the petitioner Seshachela Moodaliar, Arrack Vend farmer of Halaur, Bangalore taluk, for 1893-96, has wrongly calculated the compensation he claims at Rs 615/- instead of Rs 724, and that the farm on the whole having sustained no loss, petitioner has not made out a strong case for any relief.

References (to be entered only in the Dewan's Office).

Rev. J.C.S. 2/12/97

30.11.97 Submitted with office note in continuation

BB 2/12/97

35

No. 4548 Ex: 2d & file / 187

Excise Commissioner's Office,

From Bangalore, dated 18th / 29th November 1897.

The Excise Commissioner
in Mysore,

To

The Secretary to the Government of Mysore,
General and Revenue Department,

Sir,

In returning herewith the petitions and records received with your docket No. 4046 / Ex: 139, dated 4th instant, relating to the claim to compensation preferred by Séshachala Mudaliár, Arrack Vend Farmer of Halsúr in the Bangalore táluk for 1895-96, on the ground that the Vend Farmer of Yeswantpur changed the site of his shop at Kaval Byrasandra and opened it not far from his own shop at Devarjeevana-halli belonging to his Halsur farm, I have the honor to state that Séshachala Mudaliár has failed to produce his account book or

or other satisfactory evidence in proof of his allegation that he sustained a loss of Rs. 615/- in consequence of the change of the site of Kaval Byrasandra shop. Seshá-chala Mudaliár had also to change the site of his own shop at Dévarjeevanahalli, as he could not secure from the owner the building in which the shop existed during 1894-95; but the Farmer of Yeswant-pur did not complain about it.

2. As I showed in my letter No. 5003/570, dated 6th June 1896, the consumption of arrack at Dévarjeevanahalli does not appear to have been affected solely by the change of the site of the neighbouring shop at Kaval Byrasandra, but it appears to have been affected also by the change of Vendors, as per particulars in the accom-panying Statement A. It will be seen from it that when Bálkrishna Naidu

was

was the 3-1 Vendor at Dévarjeevanhalli shop in 1894-95, the consumption in it amounted to 1388 gallons, while the consumption at Kaval Byrasandra shop was only 424 gallons; that as the Farmer of Yeswantpur secured the said Bálakrishna Náidu to be the Vendor in his shop at Kaval Byrasandra in the year 1895-96, the consumption in it rose to 1046 gallons, while it fell to 882 gallons in Devarjeevana-halli shop; and that on Bálkrishna Náidu reverting to Dévarjeevanahalli shop in 1896-97, the consumption in it rose to 1366 gallons, while it fell to 5-75 gallons in the Kaval Byrasandra shop.

2. Séshachala Mudaliár calculates the loss at Rs. 615/- apparently counting the margin of gross profit at 10 annas 6 pies allowed per gallon between the retail vend price and the price at which he obtained it from Government, being the difference between

Rs. 5-5-

~~Rs. 5-5-4 and~~ Rs. 4-10-6 on 1012 gallons for two years at 506 gallons per year. But he did not hold the shop in question for two years, but had it for one year only. So the full extent of his loss, if any, should be limited to the fall in sale by about 500 gallons. It is not correct to calculate the profit at 10 annas 6 pies per gallon. From it the proportionate rental and the cost of vend has to be deducted. The average profit is shown in the Statement B. on all the Farm shops taken together. His loss would thus seem not more than about 72 Rupees. But on the whole Farm he has suffered no loss. This, however, does not redress his grievance caused by the removal of the shop from its original site. If he is entitled to any consideration, it is to the extent of

of the sum of Rs. 72-- as above worked out. But the sum is so very small and the farm on the whole has not caused loss to him, that it may fairly be held that Petitioner has not made out a strong case for any relief.

I have the honor to be,
Sir,
Your most Obedient Servant,
M Burnaby
Excise Commissioner
in Mysore

...xsandra and Devarajeevanahally arrack Shops

...-96, and 1896-97

Devarajeevanahally belonging to Seshachella Mood^r (Applicant)

Name of Vendor	July	August	September	October	November	December	January	February	March	April	May	June	Total
	Gls.	Gls.	Gls.	Gls.	Gls.	Gls.	Gls.	Gls.	Gls.	Gls.	Gls.	Gls.	Gls.
Balakrishna Naidu	126	102	94	110	100	102	108	104	120	134	150	138	1388
Venkatsawmy Pillay	110	85	91	91	69	66	64	58	62	54	59	73	882
Balakrishna Naidu	107	95	106	121	119	123	127	113	116	121	118	106	1366

M Murray

Excise Commissioner
in Mysore

40 Enclosure No 13

Statement showing the consumption in Kawal-By

during the years 1894-95, 189

Year	Name of Vendor	Kawal-Byrasandra												
		July	August	September	October	November	December	January	February	March	April	May	June	Total
		Qs	Qs	Qs	Qs	Qs	Qs	Qs	Qs	Qs	Qs	Qs	Qs	Qs
1894-95	Thyammall	32	32	27	36	30	26	34	30	30	30	46	71	424
1895-96	Balakrishna naidu	108	120	102	94	87	77	72	69	78	79	80	80	1046
1896-97	Venkalsawmy Pillay	62	32	40	48	42	46	50	48	64	49	48	46	575

Excise Commissioner's Office
Bangalore, dated 18th November 1897

rack in each shop in the Halsur Farm and
g the year 1895-96.

Total.			Net.						Remarks.
			Profit.			Loss.			
Rs.	As.	P.	Rs.	As.	P.	Rs.	As.	P.	
453	11	1	125	1	11	.	.	.	
408	6	10	112	10	2	.	.	.	
393	8	2	108	8	4	.	.	.	
333	13	5	92	1	1	.	.	.	
311	3	4	85	13	2	.	.	.	
87	7	2	24	1	10	.	.	.	
1,988	2	-	548	4	6	.	.	.	

every 100 gallons is Rs. 14-3-4
" 506 " " 71-12-6.

M Purnaiah

Excise Commissioner
in Mysore.

Enclosure to
R 12.

Statement showing the consumption of ar
the profit or loss to the Farmer durin

Name of Farm	Shops attached to the Farm	Consumption during 1895-96.	Gross profit allowed to the Farmer at Rs. as. Ps. -10-6 per gallon, i.e. selling price minus cost price (Rs 5-5-)-(Rs. 4-10-6)			Deduct. Rental calculated proportionately on the consumption.			Cost of Vend at 2 annas per gallon		
		Gallons.	Rs.	as.	Ps.	Rs.	as.	Ps.	Rs	As.	Ps.
Salem	Devarjeevanhalli	882	5-78	13	.	343	7	1	110	4	.
	Karanji Bisanhalli	794	5-21	1	.	309	2	10	99	4	.
	Ejipura	765-	5-02	.	6	297	14	2	95-	10	.
	Muniredipalya	649	4-25	14	6	252	11	5-	81	2	.
	Madigarpalya	605-	3-97	.	6	235-	9	4	75-	10	.
	Byappanhalli	170	1-11	9	.	66	3	2	21	4	.
	Total	3,865-	2,5-36	6	6	1,505-	.	"	483	2	.

Excise Commissioner's Office,
Bangalore, dated 18th November 1897.

* Net profit for
Do